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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/677,767	10/02/2003	Robert Harris	DIA 1809-002B	9126

7590 11/16/2007

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EXAMINER

ART UNIT PAPER NUMBER

DATE MAILED: 11/16/2007

Please find below and/or attached an Office communication concerning this application or proceeding.

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10677767	10/2/2003	HARRIS ET AL.	DIA 1809-002B

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EXAMINER

Yunsoo Kim

ART UNIT	PAPER
1644	20071106

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

1. The reply filed on 9/13/07 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): Applicant has filed an RCE under 37.C.F.R. 1.114 but the newly submitted claims are independent and distinct from the previously examined claims. The previously examined claims are drawn to a method to stimulate the immune systems while the newly submitted claims filed on 9/13/07 are drawn to a method to determine an immunomodulatory therapy formulation for autoimmune, allergy or cancer disorders. Applicant is required to amend the claims to reflect the previously claimed the subject matter or file a continuation-in -part under 37 CFR 1.53(b). In addition, 37 CFR 1.114 provides continued examination of an application, the applicant cannot file an RCE to obtain continued examination on the basis of claims that are independent and distinct from the claims previously claimed and examined as a matter of right (see 37.CFR 1.154).

Since the above-mentioned reply appears to be bona fide, applicant is given ONE (1) MONTH or THIRTY (30) DAYS from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yunsoo Kim whose telephone number is 571-272-3176. The examiner can normally be reached on M-F,9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christina Chan can be reached on 571-272-0841. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Yunsoo Kim
Patent Examiner
Technology Center 1600
November 6, 2007


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